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September 17, 2009

Addendum No. 1
to
Request for Qualifications August 25, 2009,
for Smart Growth Technical Assistance

Dear Consultant:

This letter is Addendum No. 1 to the Smart Growth Technical Assistance Request for Qualifications (RFQ) dated August 25, 2009. Where text is revised, deleted text is shown in strike-through format; added text is *italicized*. The RFQ is revised as follows:

| <u>Addendum Item</u> | <u>Reference</u> | <u>Change</u> |
|----------------------|---|---|
| 1 | RFQ, <i>Appendix C</i> , Ownership of Work Products | All data, reports, surveys, studies, drawings, software (object or source code), electronic databases, and any other information, documents or materials ("Work Product") written or produced by the Consultant under this Agreement and provided to MTC as a deliverable shall be the property of MTC. Consultant will be required to assign all rights in copyright to such Work Product to MTC. <i>Consultant shall not be held liable for any reuse of the MTC-owned Work Product for purposes outside this Agreement.</i> |
| 2 | RFQ, <i>Appendix C-1</i> , Insurance Requirements | <u>Umbrella Insurance</u> in the amount of \$5,000,000 <i>\$1,000,000</i> providing excess limits over Employer's Liability, Automobile Liability, and Commercial General Liability Insurance. |
| 3 | <i>Appendix C-1</i> , Insurance Requirements | <u>Errors and Omissions Professional Liability Insurance</u> (if applicable) in an amount no less than \$2,000,000 <i>\$1,000,000</i> . If such policy is written on a "Claims-Made" (rather than an "occurrence") basis, CONSULTANT agrees to maintain continuous coverage in effect from the date of the commencement of services to at least three (3) years beyond the termination or completion of services or until expiration of any applicable statute of limitations, whichever is longer. The policy shall provide coverage for all work |

- 3 *Appendix C-1,* performed by the CONSULTANT and any work performed
Insurance or conducted by any subcontractor/consultant working for
Requirements, or performing services on behalf of the CONSULTANT.
continued No contract or agreement between the CONSULTANT and
any subcontractor/consultant shall relieve the
CONSULTANT of the responsibility for providing this
Errors & Omissions or Professional Liability coverage for
all work performed by the CONSULTANT and any
subcontractor/consultant working on behalf of the
CONSULTANT on the project.

The remaining provisions of the Request for Qualifications, dated August 25, 2009, remain unchanged. In the event of a conflict between this addendum and the previous version(s), this addendum shall take precedence.

Any questions concerning this addendum to the RFQ should be directed to Therese Trivedi, Project Manager, at (510) 817-5767 or ttrivedi@mtc.ca.gov.

Sincerely,



Steve Heminger
Executive Director

SH: TT

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